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MEMORANDUM

DATE: April 2, 2024
TO: Mayor and City Council
THRU: Kelly DiMartino, City Manager
Tyler Marr, Deputy City Manager
FROM: Sylvia Tatman-Burruss, Sr. Project Manager
Ginny Sawyer, Lead Project Manager
RE: Work Session Summary –March 26, 2024: Occupancy Item

Handwritten initials and signatures are present next to the names: KD (for Kelly DiMartino), TM (for Tyler Marr), ST (for Sylvia Tatman-Burruss), and GS (for Ginny Sawyer). Each name is preceded by a "DS" (DocuSign) mark.

Mayor Arndt, Mayor Pro Tem Francis and Councilmembers Canonico, Pignataro, Potyondy, Gutowsky, and Ohlson were present. Staff presented an update and overview of HB 1007 and occupancy options.

Discussion included:

- The reliance on health and safety regulations going forward (assuming passage of HB 1007).
- Overview and questions regarding existing ordinances and policies for addressing property maintenance and nuisance issues.
- Acknowledgement of enforcement challenges in using square footage per person or occupancy language in the International Building Code (IBC) or International Property Maintenance Code (IPMC) to regulate residential occupancy.
- Questions regarding existing building and property codes.
- Desire to discuss options further at the scheduled May 14, 2024 work session.

Next steps:

- Continue to monitor HB24-1007 and any amendments that may occur prior to receiving the Governor's signature.
- Continue to refine possible options with staff based on Council feedback.
- Next Council Work Session currently scheduled for May 14th.
- Review potential options with the Planning & Zoning Commission at their May Work Session.

Follow Up Items:

The following information is provided based on discussion and questions raised during the work session.

Staff did mis-speak in saying that elements of the IBC or IPMC would need to be adopted back into our code. Should HB 1007 pass, language regarding occupancy would need to be removed from the Land Use Code. Any additional code amendments would be optional based on Council desire.

Information below includes existing ordinances, policies, and programs related to property maintenance and where applicable data related to recent violations and rates of compliance.



Building Code Requirements

To address life-safety and maintenance issues within existing structures, the City of Fort Collins has adopted the 2021 International Property Maintenance Code, with amendments. These codes provide general maintenance requirements for all existing structures (commercial and residential, primary and secondary, rental and owner-occupied) including but not limited to:

- *Exterior and Interior Structure:* Shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.
- *Systems:* All HVAC, electrical and plumbing facilities and equipment shall be maintained in safe condition and good working order.
- *Fire safety Requirements:*
 - Smoke and Carbon monoxide alarms must be provided as required
 - Emergency escape and rescue openings and means of egress must be maintained
 - Installed fire rated assemblies and fire suppression systems must be maintained
- *Vacant Structures:*
 - Vacant structures must be secured in accordance with a specific boarding standard to not allow illegal occupancy, trespassing or cause a public nuisance.
 - Must maintain structural integrity of the structure.

Separating life-safety from deferred maintenance requires some discretion i.e. minor peeling or fading exterior paint would not be a violation unless or until it affected building integrity (rotting siding or trim, causing a leak into the structure, or significant portions of raw building materials exposed).

When violations are confirmed, staff will send a notice to the owner. Depending on the severity of the violation the timeline to comply varies between 24 hours and 30 days. Staff will always seek voluntary compliance first and if significant progress is being made, timeline extensions can be and are granted. If no communication is established between the owner and staff, and no progress is made, enforcement will escalate to a civil citation.

Violations by year*			
	Verified	Complied	Open
2024 to date	61	26	35
2023	207	151	56
2022	173	153	20

*Building Services violations including: Stop Work Orders, Rental Inspection and Property Maintenance.

Municipal Code Requirements

Public Nuisance Ordinance

- Updated in 2022
- Regulates two types of nuisances:
 - Public Nuisance and Chronic Nuisance



A “**nuisance activity**” defined in the PNO includes 66 categories of various criminal and civil violations happening on the property that individually, or in combination, result in either a public nuisance or chronic nuisance property.

A “**public nuisance**” is more generally defined, while the definition of a “chronic nuisance property” is tied to a certain number of nuisance activities occurring on a property within a set period.

Nuisance Data	2021	2022	2023
Total cases	7,661	10,269	8,556
% complaint-based	46%	30%	32%
% pro-active patrol	54%	70%	68%
% voluntary compliance	92%	89%	92%
Total citations	61	39	42
Total abatements	541	1,247	719

2022 had an unusually high amount of snow cases which impacts the percentage of voluntary compliance and the number of abatements.

- Top 3 case types in all three years: Weeds/tall grass; Snow; and Rubbish
- 2024 to date, we have reviewed 5 properties and sent 3 violation letters, 1 abatement plan has been signed.
- Chronic nuisance cases include 4 cases with high levels of police responses – mostly drug-related – 1 was party nuisances; 8 nuisance cases – weeds, rubbish, and in operable vehicles; 2 animal control cases; 2 meth properties; 1 abandoned property; and 1 property maintenance code and building code case.

Yard Maintenance

Fort Collins Municipal Code 20-31 Yard Maintenance: No less than eighty (80) percent of any yard area, excluding sidewalks and driveways, shall be covered with grass, ground cover plants or other landscaping material, such as mulch, decorative gravel, stone, or paving bricks.

Rental Registration Program

The Rental Housing Registration Program is a new program whereby all residential properties in Fort Collins will be registered with the City of Fort Collins. The program began in 2024 and is currently seeking voluntary compliance of properties. There are monetary incentives available to landlords who register in 2024. Mandatory registration will begin in 2025.



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MEMORANDUM

Date: April 2, 2024

To: Mayor and City Councilmembers ^{DS}

Through: Kelly DiMartino, City Manager 

Tyler Marr, Deputy City Manager

From: Jacob Castillo, Chief Sustainability Officer 

Subject: March 26, 2024 Work Session Summary: Regional Wasteshed Update:
Intergovernmental Agreement (IGA) and Immediate Next Steps

Purpose: The purpose of this memo is to document the summary of discussions during the March 26, 2024 Work Session. All Councilmembers were present.

Discussion Summary:

Staff provided a brief presentation and overview of the Regional Wasteshed Coalition, the IGA that governs the coalition's approach to regional wasteshed management, and possible next steps related to placing the IGA into abeyance.

Staff requested feedback on the following questions:

- What feedback do Councilmembers have about whether to bring forward a Resolution placing the 2019 Intergovernmental Agreement into abeyance?
- What are the areas of primary importance to Councilmembers as staff engage in finding regional solutions for missing infrastructure?

- Do Councilmembers wish to hold a joint meeting with the Larimer County Board of Commissioners to discuss Regional Wasteshed collaboration?

Councilmembers expressed support for an amendment to the IGA that would place it into abeyance, while the Regional Wasteshed Coalition works to develop a bilateral or multilateral agreement that would ultimately supersede the existing agreement. Councilmembers suggested establishing a date by which the new agreement would be complete.

Councilmembers discussed the need for a legal analysis regarding the approach to and prioritization of the tiered projects and obligations of partners to implement projects in a specific order. Councilmembers highlighted the importance of the tiered projects to the City's ability to meet its zero waste goals by 2030.

Councilmembers expressed interest in learning more about communities where waste-to-energy or mixed waste processing projects have been successful and where they haven't prior to making any decisions impacting waste to energy.

Councilmembers also requested staff provide information about additional approaches for the City to measure recycling and diversion numbers.

Councilmembers stated that there was not a need to hold a joint meeting with the Larimer Board of County Commissioners at this juncture.

Councilmembers suggested an openness to the idea of implementing flow control if it could advance the zero waste goals of the City and support the region in effective diversion strategies.

Follow Up and Next Steps:

- Staff will prepare language for an amendment to the Regional Wasteshed Coalition IGA for consideration at the May 7th, 2024 Council Meeting.

- Staff will provide a legal memo responding to the question regarding obligations for prioritizing infrastructure development based on the tiered system outlined in the Solid Waste Infrastructure Master Plan and IGA.
- Staff will provide alternative approaches to measure recycling and diversion rates on May 14th.
- Staff will begin preparing materials for an in-depth conversation related to flow control. This will be in conjunction with the study that will be conducted throughout 2024 on potential pathways forward with construction and demolition materials recycling and food scraps composting.



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MEMORANDUM

Date: April 2, 2024

To: Mayor and City Councilmembers^{DS}

Through: Kelly DiMartino, City Manager^{DS}
Tyler Marr, Deputy City Manager^{DS}
Dean Klingner, Community Services Director^{DS}

From: Kendra Boot, City Forester^{DS}

Subject: March 26, 2024 Work Session Summary: Urban Forest Strategic Plan Findings and Proposed Direction

BOTTOM LINE

The purpose of this memo is to document the summary of discussions during the March 26, 2024 Work Session. All Councilmembers were present.

A presentation of the findings and recommendations of the Urban Forest Strategic Plan process was provided to Councilmembers. Staff and the Davey Resource Group consultant shared that city-wide there is 14% canopy cover (includes both public and private trees) and 13% overall when including the Growth Management Area. A summary of the community engagement process was provided, and staff shared the broad sentiment of trees in the community, a vision for the urban forest, as well as future challenges. Overall, the Councilmembers supported the direction of the Urban Forest Strategic Plan effort.

BACKGROUND

- Staff heard various feedback and suggestions including:
 - More emphasis on the broad benefits of the urban forest in Fort Collins, including and especially bird and wildlife habitat.
 - More connection of the urban forest to the seven City Strategic Outcomes Areas (i.e. How does the urban forest support Economic Health, etc.).

- Clarify how trees fit in as we move toward a more water-wise landscape and how trees can support multiple objectives in a changing climate.
 - Clarify and educate responsibilities for private trees between neighbors as well as other education and outreach opportunities to help support both community members and tree canopy.
- Land Use Code (LUC) tree policies recommended in this plan will be developed and brought forward in the upcoming LUC workstreams to surface the trade-offs and tensions between priorities to achieve the right balance.

NEXT STEPS

- Staff will be presenting a draft plan to the Urban Forest Strategic Plan Steering Committee in May.
- Staff are scheduling Board and Commission visits for the month of May to seek feedback and support for a draft plan.
- Land Use Code tree-related policies are currently scheduled for the June 11, Council Work Session, along with other Phase II scoping discussions.
- Staff is planning to bring the Final Plan back to Council in August 2024.